

AIR TRANSPORT SERVICES

Exchange of notes at Bern August 3, 1945, with text of interim agreement and annex

Entered into force August 3, 1945

Amended by agreements of May 13, 1949,¹ and December 9, 1970²

Supplemented by agreement of March 1 and 4, 1957,³ approving agreed minute of February 6, 1957, relating to interpretation of article 2

60 Stat. 1935; Treaties and Other
International Acts Series 1576

The American Minister to the Chief of the Federal Political Department

LEGATION OF THE
UNITED STATES OF AMERICA
BERN, August 3, 1945

EXCELLENCY,

I have the honor to refer to the negotiations which have taken place between the Governments of the United States of America and Switzerland for the conclusion of a reciprocal Interim Agreement relating to Air Transport Services. I understand that these negotiations have now resulted in the Agreement which is annexed hereto.

I shall be glad to have you inform me whether the Swiss Government understands that the terms of the Agreement resulting from the negotiations referred to are as set forth in the annex to this letter.

If your answer is in the affirmative, the Government of the United States of America will regard the Agreement as becoming effective upon the date of your answer in accordance with the provisions of the first paragraph of Article 8 of the Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

LELAND HARRISON

His Excellency

Dr. MAX PETITPIERRE

Federal Counselor

Chief of the Federal Political Department

Bern

¹ TIAS 1929, *post*, p. 960.

² 21 UST 2658; TIAS 7008.

³ 8 UST 349; TIAS 3781.

INTERIM AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND
SWITZERLAND RELATING TO AIR TRANSPORT SERVICES

Having in mind the resolution recommending a standard form of agreement for provisional air routes and services, included in the final act of the International Civil Aviation Conference signed at Chicago on December 7, 1944, and the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States of America and Switzerland, the two governments parties to this arrangement agree that the establishment and development of air transport services between their respective territories shall be governed by the following provisions:

ARTICLE 1

The Contracting Parties grant the rights specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights are granted.

ARTICLE 2⁴

(a) Each of the air services so described shall be placed in operation as soon as the Contracting Party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the Contracting Party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the Contracting Party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this Agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

(b) It is understood that either Contracting Party granted commercial rights under this Agreement should exercise them at the earliest practicable date except in the case of temporary inability to do so.

ARTICLE 3

In order to prevent discriminatory practices and to assure equality of treatment, both Contracting Parties agree that:

(a) Each of the Contracting Parties may impose or permit to be imposed

⁴ For an interpretation of art. 2, see exchange of notes of Mar. 1 and 4, 1957, approving agreed minute of Feb. 6, 1957 (8 UST 349; TIAS 3781).

just and reasonable charges for the use of public airports and other facilities under its control. Each of the Contracting Parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one Contracting Party by the other Contracting Party or its nationals, and intended solely for use by aircraft of such other Contracting Party shall be accorded national and most-favored-nation treatment with respect to the imposition of customs duties, inspection fees or other national duties or charges by the Contracting Party whose territory is entered.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one Contracting Party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by or aboard such aircraft on flights in that territory.

ARTICLE 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services described in the Annex. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

ARTICLE 5

(a) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other Contracting Party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first Party.

(b) The laws and regulations of one Contracting Party as to the admission to or departure from its territory of passengers, crew, mail or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew, mail or cargo of the other Contracting Party upon entrance into or departure from, or while within the territory of the first Party.

ARTICLE 6

Each Contracting Party reserves the right to withhold or revoke a certificate or permit to an airline of the other Party in any case where it is not

satisfied that substantial ownership and effective control are vested in nationals of either Party to this Agreement, or in case of failure of an airline to comply with the laws of the State over which it operates as described in Article 5 hereof, or to perform its obligations under this Agreement.

ARTICLE 7

This Agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization.

ARTICLE 8

This Agreement shall become effective on the date of the diplomatic notes to which it is annexed.

Either Contracting Party may terminate this Agreement, or the rights for any of the services granted thereunder, by giving one year's notice to the other Contracting Party.

ARTICLE 9

In the event either of the Contracting Parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.⁵

ANNEX TO INTERIM AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND SWITZERLAND RELATING TO AIR TRANSPORT SERVICES ⁶

A. Airlines of the United States of America authorized under the present Agreement are accorded rights of transit and non-traffic stop in Swiss territory, as well as the right to pick up and to discharge international traffic in passengers, cargo and mail at Geneva (or other suitable airport) on the following route:

The United States, over a North Atlantic route to Ireland and thence to Paris and Switzerland, and beyond to Italy, Greece, and the Near and Middle East, via intermediate points; in both directions.

B. Airlines of Switzerland authorized under the present Agreement are accorded rights of transit and non-traffic stop in the territory of the United

⁵ For an amendment adding art. 10, see agreement of May 13, 1949 (TIAS 1929), *post*, p. 960.

⁶ For a revised annex and schedule, see *ibid*.

States of America, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at New York, on the following route:

Switzerland, via intermediate points (non-traffic stops), to New York; in both directions.

The Chief of the Federal Political Department to the American Minister

[TRANSLATION]

THE CHIEF
OF THE
FEDERAL POLITICAL DEPARTMENT

BERN, *August 3, 1945*

MR. MINISTER:

By a letter dated today you are good enough to submit to me the enclosed Draft of the Provisional Air Transport Agreement between Switzerland and the United States of America drawn up during the diplomatic conversations which have just ended.

I have the honor to inform Your Excellency that the Swiss Federal Council accepts this Agreement and that it considers it as in effect as of today, in conformity with Article 8, paragraph 1, of the Agreement.

Please accept, Mr. Minister, the assurance of my high consideration.

MAX PETITPIERRE

Enclosure.

His Excellency

LELAND HARRISON

Minister of the United States of America
Bern